

### **REMARKS**

Claims 3-13 are pending in the present application. Claims 3, 5 and 6 have been amended. Claims 7-13 have been presented herewith. Claims 1 and 2 have been canceled.

### **Priority Under 35 U.S.C. 119**

Applicant notes the Examiner's acknowledgment of the Claim for Priority under 35 U.S.C. 119, and receipt of the certified copy of the priority document.

### **Drawings**

Applicant notes the Examiner's acceptance of the drawings as filed along with the present application on September 24, 2003.

### **Specification**

The disclosure has been objected to in view of the informalities as listed on page 2 of the current Office Action dated September 16, 2004. The specification has been corrected in view of the listed informalities. Accordingly, the Examiner is respectfully requested to withdraw the objection to the disclosure.

Also, the title has been amended as "TEMPERATURE DETECTION FROM DIFFERENCES IN OFF LEAK CURRENTS OF NMOS AND PMOS TRANSISTORS ON CPU CHIP", to be more clearly indicative of the invention to which the claims are

directed, as suggested by the Examiner.

### **Claim Objections**

Claims 3 and 5 have been objected to in view of the informalities as listed on page 3 of the current Office Action. Claims 3 and 5 have been corrected in view of the listed informalities. Accordingly, the Examiner is respectfully requested to withdraw this objection to the claims.

### **Claim Rejections-35 U.S.C. 102**

Claims 1 and 2 have been rejected under 35 U.S.C. 102(e) as being anticipated by the Matranga et al. reference (U.S. Patent No. 6,489,831).

### **Allowable Subject Matter**

Applicant respectfully notes the Examiner's acknowledgment that claims 3-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Although Applicant does not necessarily concede that the above noted prior art rejection is proper, claim 3 has been amended to be in independent form as including the features of claims 1 and 2, in order to advance prosecution of this application. Accordingly, the Examiner is respectfully requested to acknowledge that claims 3-6 are allowed.

### **Claims 7-13**

The detection circuit of claim 7 includes in combination a precharge circuit "that precharges an output node"; a transistor pair "that charge a stray capacitance at a lodge node with off leak current that is temperature dependent"; and a switch "coupled between the output node and ground, that discharges the output node responsive to a potential at the live node, so that a potential of the output node is indicative that the CPU exceeds a predetermined temperature".

Applicant respectfully submits that the detection circuit of claim 7 should distinguish over the Matranga et al. reference for at least somewhat similar reasons as claim 3. Applicant respectfully submits that Fig. 4 of the Matranga et al. reference does not appear to include a live node having a stray capacitance that is charged with off leak current that is temperature dependent and wherein the live node controls a switch, as featured in claim 7. Accordingly, Applicant respectfully submits that the detection circuit of claims 7-13 distinguish over and would not have been obvious in view of the Matranga et al. reference.

### **Conclusion**

As noted above, claim 3 has been amended merely to be in independent form, in view of the Examiner's acknowledgment of allowable subject matter. Since claim 3 as currently pending has scope similar to original claim 3, and since the claims have not been amended to further distinguish over the relied upon prior art, the corresponding

claim amendments should not be construed as narrowing scope within the meaning of *Festo*.

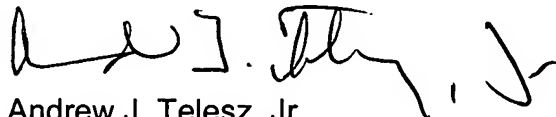
The Examiner is respectfully requested to reconsider and withdraw the corresponding rejection, and to pass the claims of the present application to issue, for at least the above reasons.

In the event that there are any outstanding matters remaining in the present application, please contact Andrew J. Telesz, Jr. (Reg. No. 33,581) at (703) 715-0870 in the Washington, D.C. area, to discuss these matters.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment for any additional fees that may be required, or credit any overpayment, to Deposit Account No. 50-0238.

Respectfully submitted,

VOLENTINE FRANCOS & WHITT, P.L.L.C.

A handwritten signature in black ink, appearing to read 'A. J. Telesz, Jr.', with a stylized flourish at the end.

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